

**TENNESSEE MOTOR VEHICLE COMMISSION  
BOARD MEETING  
JULY 9, 2007, 9:30 A.M.  
CONFERENCE ROOM 160  
DAVY CROCKETT TOWER, 500 JAMES ROBERTSON PKWY.  
NASHVILLE, TENNESSEE 37243**

**ROLL CALL:**

	<u><b>PRESENT</b></u>	<u><b>ABSENT</b></u>
<b>BRENT SMITH</b>		<b>X</b>
<b>ALLEN LEWIS</b>		<b>X</b>
<b>DONNIE HATCHER</b>	<b>X</b>	
<b>NATE JACKSON</b>	<b>X</b>	
<b>GEORGE BASS</b>	<b>X</b>	
<b>KENT BEWLEY</b>	<b>X</b>	
<b>STAN MCNABB</b>	<b>X</b>	
<b>JOHN BARKER</b>	<b>X</b>	
<b>MICHAEL EUBANK, JR.</b>		<b>X</b>
<b>LARRY LEWIS</b>	<b>X</b>	
<b>JOE PREBUL</b>	<b>X</b>	
<b>EDDIE ROBERTS</b>	<b>X</b>	
<b>KEVIN CULLUM</b>	<b>X</b>	
<b>CHAD JONES</b>		<b>X</b>
<b>MELISSA BLANKENSHIP</b>		<b>X</b>

The Tennessee Motor Vehicle Commission Meeting was called to order by Vice-Chairman Eddie Roberts on July 9, 2007. Total of (10) members were present.

**A motion was made by Commissioner Nate Jackson, and seconded by Commissioner Donnie Hatcher to accept the minutes of the May 9, 2007 meeting.**

**MOTION WAS APPROVED BY UNANIMOUS VOICE VOTE.**

**New Business**

Legislative Recommendations- Discussion

- 1- Require Financial statement from dealer at license renewal time.
- 2- Bond canceled-We need to discipline the dealer if they do not renew their bond, or insurance on time.

- 3- Annual Sales Report- Should it be put under the Department of Revenue?
- 4- Dealer to have registration within 60 days of settlement-We should be able to Discipline the dealer if they do not deliver the title or registration within 60 days of receiving payment.
- 5- Wholesaler only license- If they would think about that type of license.
- 6- Deny a dealer application that is not completed within 6 months, they do not get a refund.
- 7- A salesperson can work at more than one dealership if the dealership has common ownership.
- 8- Increase surety bond.

If you would think about these things and get back with us by July 18,2007. The Commission would like for the Rules Committee, and the Legislative Committee to discuss some of these ideas.

Dealer plates- Can the Director issue more dealer plates when they are requested, without bringing the request before the full Commission?

**Motion was made by Commissioner Larry Lewis, and seconded by John Barker to give the Executive Director the authority to issue two additional dealer tags in a situation that he feels maybe warranted.**

**Commissioner Larry Lewis made a motion to withdraw his motion, and John Barker seconded the motion. Consensus was to leave policy as is.**

D & B Auto Sales-Appealing late fee for renewal of license.

**Motion was made by Commissioner Kevin Cullum that the dealer has to pay the late fee, Motion was seconded by Commissioner Kent Bewley.**

**MOTION WAS APPROVED BY A UNANIMOUS VOICE VOTE.**

Meade's Auto Exchange LLC- Denial of dealer license.

**Motion was made by Commissioner Donnie Hatcher to grant the license, and seconded by Commissioner Kent Bewley.**

**VOICE VOTE WAS CALLED:**

<b>JOE PREBUL</b>	<b>YES</b>
<b>NATE JACKSON</b>	<b>YES</b>
<b>STAN MCNABB</b>	<b>YES</b>
<b>GEORGE BASS</b>	<b>ABSTAIN</b>
<b>JOHN BARKER</b>	<b>YES</b>
<b>KENT BEWLEY</b>	<b>YES</b>
<b>EDDIE ROBERTS</b>	<b>YES</b>
<b>KEVIN CULLUM</b>	<b>YES</b>
<b>DONNIE HATCHER</b>	<b>YES</b>
<b>LARRY LEWIS</b>	<b>YES</b>

**LICENSE GRANTED.**

Aaron T. Binkley Jr-Salesman application was denied by staff.

**Motion was made by Commissioner Kevin Cullum, and seconded by Commissioner Stan McNabb to grant the license.**

<b>JOE PREBUL</b>	<b>YES</b>
<b>NATE JACKSON</b>	<b>YES</b>
<b>STAN MCNABB</b>	<b>YES</b>
<b>GEORGE BASS</b>	<b>NO</b>
<b>JOHN BARKER</b>	<b>NO</b>
<b>KENT BEWLEY</b>	<b>YES</b>
<b>EDDIE ROBERTS</b>	<b>YES</b>
<b>KEVIN CULLUM</b>	<b>YES</b>
<b>DONNIE HATCHER</b>	<b>YES</b>
<b>LARRY LEWIS</b>	<b>YES</b>

**MOTION CARRIES**

Michael Carta-Salesman application denied by staff

**Motion was made by Commissioner Donnie Hatcher to uphold the denial, and seconded by Commissioner Nate Jackson.**

**MOTION WAS APPROVED BY A UNANIMOUS VOICE VOTE.**

Steven Beasley-Salesman application denied by staff  
NO SHOW

**MOTION WAS MADE BY THE COMMISSION TO UPHOLD THE DENIAL.**

**MOTION WAS APPROVED BY A UNANIMOUS VOICE VOTE.**

Greg Worsham-Salesman application denied by staff  
NO SHOW

**MOTION WAS MADE BY THE COMMISSION TO UPHOLD THE DENIAL.**

**MOTION WAS APPROVED BY A UNANIMOUS VOICE VOTE.**

Russell Rouse-Salesman application denied by staff  
NO SHOW

**MOTION WAS MADE BY THE COMMISSION TO UPHOLD THE DENIAL.**

**MOTION WAS APPROVED BY A UNANIMOUS VOICE VOTE.**

**REVIEW COMMITTEE**

The Review Committee advised that the Committee had discussed the attached legal report with counsel and moved that the Commission adopt the attorney's recommendation with the following exceptions.

**Case 2006029671**

Dealer had displayed for sale with a for sale sign in the window a dealership owned car at dealer's place of residence.

**Case 2006002681**

Close with a letter of warning, and refer to Dept of Revenue.

**Case 2006022901**

Authorization for \$500 Civil Penalty or a Formal Hearing, and a letter to the Auction.

**Case 2006033401**

Mississippi dealer unlicensed in TN, is displaying and offering for sale and selling vehicles in TN.

**Case 2005038281**

Reduce the fine down to \$1000.00.

**Case 2006042031**

Defer. Send to Investigations.

**Case 2005026011**

Accept \$5,000 penalty.

**Motion was made by Commissioner Donnie Hatcher to approve the Legal Report, and seconded by Larry Lewis.**

**MOTION WAS APPROVED BY A UNANIMOUS VOICE VOTE.**

Commissioner Joe Prebul voted to approve the legal report, but stated on the record that he rescued himself on case # 53, which are complaint numbers 2007054351, 2007051411, 2007051431, 2006036111.

**DIRECTORS REPORT**

The Executive Director, Bob McKee, discussed dates for next years meeting, and that there would be a protest hearing next year.

Staff Attorney Patrick Merkel said the Administrative Law Judge would like to have a date set by the end of this month for the protest hearing for next year.

**Motion was made by Commissioner Joe Prebul to hold the meetings on the second Monday in the months of January, April, July, and October 2008. This motion was seconded by Commissioner Larry Lewis.**

**MOTION WAS APPROVED BY A UNANIMOUS VOICE VOTE.**

The Staff Attorney would like to schedule two hearings for this year. They could possibly take more than one day, so you could schedule it for the same day as your Commission meeting, or come in on another day. It is up to you. I want the Commission to authorize the meeting to be two days if it needs to be.

**Commissioner Joe Prebul makes motion to start the regular meeting in October at 9:00-12:00, break for lunch then start the hearing at 1:00 and carry over to the next day if necessary. The motion was seconded by Larry Lewis.**

**MOTION WAS APPROVED BY A UNANIMOUS VOICE VOTE.**

**Commissioner Joe Prebul makes a motion to start the regular meeting in November at 9:00-12:00, break for lunch then start the hearing at 1:00 and carry over to the next day if necessary. The motion was seconded by Commissioner Kent Bewley.**

**Commissioner Joe Prebul makes a motion for an Amendment to start the November meeting at 9:30. The motion was seconded by Commissioner George Bass.**

**MOTION WAS APPROVED BY A UNANIMOUS VOICE VOTE.**

**Commissioner Joe Prebul made a motion to reconsider action with regard to the October meeting time. Seconded by Commissioner Larry Lewis.**

**MOTION WAS APPROVED BY A UNANIMOUS VOICE VOTE.**

**Commissioner Joe Prebul made a motion to start the October meeting at 9:30 on the October meeting date. With the option of going over to the next day. The motion was seconded by Larry Lewis.**

**MOTION WAS APPROVED BY A UNANIMOUS VOICE VOTE.**

**DIRECTORS REPORT**

The Executive Director reported the following as of the last meeting.

Dealers Closed .....22  
Dealers Opened .....40  
  
Complaints Opened.....95  
Complaints Resolved.....196

Active Licensees as of May 9, 2007

Dealers.....4746  
Applications in Process.....45  
Distributions/Manufacturers .....170  
Auctions.....31  
Representatives.....444  
Salespeople.....15,440  
Dismantlers.....395  
RV Dealers.....16  
RV Manufacturers.....53

Motor Vehicle Show Permits Issued in May 1, 2007.....8  
Revenue Received \$800.00

Agreed Citations resolved-----\$ 6,400

**Motion was made by Commissioner George Bass to approve the directors' report. Commissioner Stan McNabb seconded the motion.**

**MOTION WAS APPROVED BY A UNANIMOUS VOICE VOTE.**

**Motion was made by Commissioner George Bass, and seconded by Commissioner Larry Lewis to adjourn the meeting.**

The Rules Committee met after the Commission meeting to go over some proposed rule changes.

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Eddie Roberts, Co-Chairman

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Bob McKee, Executive Director